

# OBSERVATIONS (2)

ON

## THE MAJORITY REPORT

OF THE

Select Committee of the House of Commons

ON THE

## CONTAGIOUS DISEASES ACTS,

1882.

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## OBSERVATIONS

ON THE

### MAJORITY REPORT OF THE SELECT COMMITTEE OF THE HOUSE OF COMMONS, 1882,

ON THE

### CONTAGIOUS DISEASES ACTS.

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1. The Report, in considering the result of the Committee's enquiry into the *hygienic* effects of the Acts, practically ignores the evidence of all the unofficial medical witnesses, backed by the published opinions of a large number of professional authors, both English and Foreign, and also some Army medical authorities, who declared that the system is delusive and unscientific, and must necessarily be a failure. It not only adopts a classification of disease scientifically false and practically misleading, but justifies the use of it by the Army Medical Department as a matter of necessity, "for certain statistical purposes," and adds that the departmental method "does not appear to interfere with the value of the statistics." The fact that the official practice in question is a deliberate departure from the more correct method originally adopted, and which could have been resumed for the purposes (at least) of the annual Reports of the Department, is left unnoticed, as well as the further fact that the existing method undoubtedly yields results apparently more favourable to the Acts than a more correct classification would. An erroneous classification being thus adopted and approved, it is then used in the Report as the basis of the ensuing deductions as to the hygienic effects of the Acts on the military forces "protected" by them. Those deductions merely represent the calculations made from the official statistics by the principal official witness, and take no notice of the *numerous and important discrepancies between the various departmental Returns* which were abundantly proved before the Committee, and even admitted to a considerable extent by that witness; while the many objections raised to the official calculations, and the doubtful nature of the deductions made from them, are entirely disregarded. How thoroughly onesided and unfair the Report is in this important respect may be fully demonstrated by an impartial examination of

the evidence upon the subject. It may be confidently stated that if the official witness himself had contributed this part of the Report, he could not possibly have produced anything more absolutely and exclusively representative of the views and opinions expressed by himself before the Committee, in respect of the alleged success of the Acts as hygienic measures.

The Report is equally prejudiced and unfair in the selection even of official evidence, for it rejects or ignores all testimony, even from official sources, *which does not suit the object in view*. For instance, it quotes from the Report of the Royal Commission of 1871 the opinions of Sir James Paget, Sir William Jenner, and Mr. Prescott Hewett as to the formidable character of a certain disease. But the majority of the Committee refused on a division to insert in the Report the fact that the Royal Commission quoted, "on the other hand," the testimony of Mr. Simon (the medical officer of the Privy Council), of Mr. Skey (the Chairman of the Venereal Committee appointed by Government), and of Surgeon-Major Wyatt (of the Coldstream Guards), to a different effect. The members who voted for the suppression of this important difference of opinion expressed by medical men of such eminence were:—Dr. Farquharson, General Burnaby, Mr. Bulwer, Viscount Crichton, Colonel Digby, Colonel Tottenham, Mr. Osborne Morgan, Mr. Cavendish Bentinck, and Sir Henry Wolff. (Vide Report, p. lxxxviii.)

This absolute and exclusive adoption of official theories and official calculations favourable to the Acts is, however, quite consistent with the preference for evidence of that kind and effect which was manifested throughout the enquiry in the tone of the questions put by several members of the Committee, which it is important to remark contained a strong official element, although the subject of investigation was an official system. But such preference is utterly inconsistent with those judicial attributes which the public is entitled to expect from a Parliamentary tribunal, even although the questions submitted for its decision should be matters of professional interest to some of the judges.

This indication of prejudice in dealing with the statistical matter is consistent with the treatment of the less materialistic parts of the subject.

It is beyond the scope of these observations to enter upon any detailed examination of the statistical conclusions contained in the Majority Report. The Report of the Minority shows very different results. But, as the ultimate practical question is that of the efficiency of the Army, it may be remarked that the result of the deductions in the Majority Report is "a difference of 5·38 per 1,000 representing the true saving effected by the Acts." This alleged saving, on the average strength of 50,000 men in the "protected" districts, represents a total saving of 269 men claimed as due to the operation of the Acts. *Assuming such*

saving to be so attributable, it follows that, as the total annual expense of the administration of the Acts is about £30,000, the actual annual cost of such saving averages about £110 per man. It was moved by Dr. Cameron that a paragraph to this effect should be inserted in the Report. On a division being taken it was rejected by a majority of nine to six, the objectors being the same members mentioned above. A striking comment is furnished by the Army Medical Report [1880], presented to Parliament before the Committee reported, which reveals the fact that in that year the numbers of men admitted to hospital with a certain class of disease increased in the districts subjected to the Acts collectively by the enormous proportion of 57 per cent. on the previous year's admissions, against 45 per cent. in all the districts where the Acts are not in operation. There was likewise a continued increase in the most dangerous class of disease; while in a third class the respective increases were 45 per cent. in the districts under the Acts, and 34 per cent. in the towns not under the Acts.

The Report does not refer at all by name to the official statistics on the subject of disease among the *women subjected to the Acts*, contained in the Annual Police Reports of Captain Harris, though these were repeatedly brought to the notice of the Committee in the examination of numerous witnesses. Those statistics disclose the important fact that there has been a regular and continuous increase in the ratios of disease among registered and inspected women during several years past. This may account for the exclusion of that evidence, notwithstanding its official character. The only allusion to the subject is the vague statement, "It is alleged that disease has shown a tendency to increase among registered women,"—suppressing the fact that the 'allegation' in this case consists of official evidence of an actual increase, tabulated in the Annual Returns of the Chief of the Contagious Diseases Acts' Police on the "Operation of the Acts," and suggesting the contrary.

2. In dealing with the second branch of the enquiry, viz., the operation of the Acts as regards their constitutional, moral, and social aspects, the Report again discloses the strongest indications of prejudice. So far as matters of fact are concerned, the testimony given by independent witnesses in support of the objections raised against the Acts is for the most part ignored, and, for the rest, slightly alluded to as "allegations," "assertions," and "arguments," which are said to be "disproved" or "overborne" by the "evidence" of "trustworthy officials" and "respectable officials connected with the administration of the Acts," and also of "clergymen and other benevolent persons who have watched the system." No mention is made of the testimony borne to the reality of those objections by a large number of other clergy, and other benevolent persons who also have "watched the system;" and the public is thus led to infer that all respectable and

benevolent persons are in favour of the Acts. Similarly, the large numbers of persons of all classes in the subjected districts who have manifested their opinion against the Acts are inferentially contemned by the unproved statement that "the great majority of the more intelligent and respectable classes in these districts would be strongly opposed to the repeal of the Acts." Yet it was shown by Returns compiled from the yearly Parliamentary Reports, and handed in to the Committee, that, from 1870 to 1881 inclusive, 476 petitions were presented to the House of Commons, with 86,757 signatures, from persons *resident in the districts where the Acts are in force*, praying for the total Repeal of the Acts. On the other hand, the gross total of petitions in the same period from subjected places against Repeal was 38, with 3,286 signatures, including 11 petitions exclusively signed by 1,289 registered prostitutes, who would hardly be included among "the more intelligent and respectable classes in these districts."

As to the witnesses personally, while nearly all the principal ones called by the Government are individually mentioned, (and in some cases with the attachment of a complimentary description), only two of those on the other side are particularly indicated, and then apparently only to be contemptuously discredited, in one case for presumed ignorance, and in the other for implied untruthfulness. Frequent references to the alleged moral results of the Acts are made in the Report on the authority of evidence given by Inspector Anniss of Devonport and Plymouth, whose testimony was controverted by three Chief Constables in that district. How little reliance is to be placed on Anniss's assertions may be judged from the fact that the Town Council of Devonport appointed a Sub-Committee to examine his evidence as published in the Blue Books, and on the 13th of October, 1882, the Report of that Committee was submitted to the Town Council and unanimously adopted. It stated that "without going into the question of the advisability of the Contagious Diseases Acts being continued or otherwise, they have agreed that the ANSWERS GIVEN BY INSPECTOR ANNISS to questions, as reported in the Parliamentary Blue Books of 1881 and 1882, containing the examinations of and by the Select Committee of the House of Commons, are IN A VERY HIGH DEGREE MISLEADING, SOME OF THEM HIGHLY COLOURED AND OTHERS NOT STRICTLY TRUE, and are therefore damaging to the moral character of the inhabitants of the borough," &c.; and further the same Sub-Committee declared that they "consider it their duty to express their disapproval of a public officer *colouring statements for the purpose of obtaining any particular object*," &c.

The objection to the Acts on the principle that they "involve the recognition and regulation of vice" is summarily disposed of in the Report as "not well founded," on the assumption that "the 'Acts do not give prostitution more toleration than it enjoyed

"before their existence, or than it now enjoys where they are not "in force." But it was clearly proved that the registered women promptly discerned the practical difference between mere "toleration" and the "regulation" constituted by the Government system; and testified their appreciation of the consequent distinction between themselves and other prostitutes, by assuming the title of "Queen's women," or "Government women." The prayer of one of the petitions to Parliament against the abolition of the Acts, signed exclusively by registered prostitutes in Colchester, contained the following words: "We consider the total repeal of the said Contagious Diseases Acts would be a great calamity to ourselves and a terrible misfortune to the country at large. We therefore beg for their continuance." Similar women signed a petition at Plymouth, saying, "the Acts are a great advantage to us;" and other women of the same class, resident in the Royal borough of Windsor, petitioned Parliament for the Acts in words similar to those in the Colchester petition.

As to the further objection from principle "that the Acts involve encouragement of vice by offering safety of indulgence," the Report decides that in fact the Acts have not produced such effect, and discards simply all the positive evidence upon the point which substantiated the charge, giving credence only to the opinions of Government witnesses, and what it calls "the inherent probabilities of the case."

The Report disposes of all the complaints of abuses by the police by a general acquittal of those officials from any blame. It is clear, however, that the authorities are scarcely so satisfied; for the illegal practice of "warning up" suspected women for examination has been condemned by the Home Secretary, although not yet relinquished by the police, and various new regulations were made in the course of the enquiry, obviously to meet objections as to the police practice disclosed by the investigation.

Amongst these is the new order that the voluntary submission of the women is no longer to be taken by the police alone, but always in the presence of the Examining Surgeon. This may be taken as an admission that the former plan was open to abuses, without, however, introducing any protection to the women, to whom the examining-surgeon is, of course, only another official co-operating with the police, equally impervious to appeals for independent and impartial consideration.

In rejecting the objections raised to the periodical compulsory personal examination of prostitutes, the Report appears to suggest that such examinations are generally coincident with the discovery of disease, which it is "for the good of the community" to suppress. It conceals the significant fact on which the main objections rest, that, on the average, the women are found to be diseased *only once in about every ten examinations*; and, there-

fore, that in nine-tenths of the cases the examination has no connection whatever with the cure of disease. And the official Police Returns on the operation of the Acts laid before the Committee show that from 1865 to 1881 inclusive there have been 492,330 cases of examination of healthy women! The audacious statement that "the prostitute, in order to prevent the spread of a fatal disease, is compelled to submit to measures which are not in themselves indecent, and which *virtuous women undergo voluntarily*,"—notwithstanding that the fallacy of such a comparison has long ago been conclusively demonstrated by the Report of the Royal Commission (paragraph 48),—is a significant indication of the spirit in which the Report has been written. On this point the Royal Commissioners expressed the opinion that the cases "are very different. . . . Assuming that in either case the operation is conducted with an equal regard to decency, the object with which it is performed makes *all the difference*. In the one case the examination is voluntary, occasional, and may never be repeated. In the other, the examination is compulsory and regular, and instituted, *not because the woman is diseased, or even suspected of being diseased, but because she may be diseased.*" (Italics ours.)

While the Report strongly insists on the necessity of maintaining the existing system of periodical examination and compulsory detention in hospital, it carefully omits to notice the results effected by voluntary Lock Hospitals, and implies that little or nothing was done with respect to these diseases before the Acts, or would be hereafter done if the Acts were repealed. A study of the evidence will show how deliberately unjust the Report is in this most important particular.

In considering the advantages (other than hygienic) claimed to have resulted from the operation of the Acts, the Report adopts the same tactics of omitting all allusion to evidence unfavourable to the official case. Upon official testimony only the Acts are credited with having reduced brothels, and diminished prostitution, especially by juveniles, in subjected districts, despite the evidence of the Chief Constables of Devonport, Plymouth, Stonehouse, and Portsmouth, and other local witnesses, that the official Police Returns of Captain Harris do not represent the truth of the case. It is important to notice that the evidence of Inspector Anniss as to reducing the number of brothels in Devonport, upon which the Report is largely based, has since been publicly denounced by the Town Council of Devonport, after a careful examination of his evidence by a Committee of their number appointed for the purpose. Similar action was taken by the same body in regard to the evidence of the same witness before the Royal Commission of 1871. The local newspapers of the period stated that the Sub-Committee of the Devonport Town Council reported that "they had examined the evidence;" and that "some of it was highly coloured, greatly exaggerated, and in many instances not to be

depended upon." And a return to Parliament moved for in 1882 by Mr. C. McLaren shows that while a reduction of 140 public-house and 260 beer-house brothels is stated to have been effected by the Acts during the years 1865 to 1881 inclusive, only ONE such public-house and ONE such beer-house have been closed by those police. Both these houses are in the Devonport district, and the Return referred to further proves on page 28, that the public-house was proceeded against under the Contagious Diseases Acts, not because it was a brothel, but because the landlord had "harboured" a *diseased* woman; and the beer-house was proceeded against by Anniss, *not* under the Contagious Diseases Acts, but under another law called the "Navy Act," for harbouring a deserter from the navy. The acknowledged improvements in street order in subjected towns are credited to the Acts, as if the local police, who have actually effected them, had no existence; while, on the other hand, the fact of scandalous behaviour of registered women in the vicinity of examination-rooms (which is due to the Acts) and elsewhere in public is entirely suppressed.

As to the alleged reclamations of women under the Acts, the Report dwells upon the "moral and religious instruction" afforded in the certified hospitals as prescribed by the Acts, notwithstanding that it was distinctly proved by the *Government witnesses*, but not noticed in the Report, that nearly all reclamations accomplished are effected in private Asylums, or Homes, after the women leave the hospital. On this point there is an absolute misrepresentation even of the one-sided evidence cited. The official Returns prove that at least 84 per cent. of the women in certified hospitals habitually return to prostitution. Moreover, while "large numbers" of registered women are stated to have been reclaimed, no mention is made of the fact that such reclamations were accomplished solely by the aid of voluntary agencies, some of which were subsidized by the Government, but not by virtue of the Acts; and also that a much greater proportion of both registered and unregistered prostitutes were restored by other and similar, though un-subsidized voluntary agencies, to respectable life. The testimony of witnesses experienced in Rescue Work, that the system of the Acts is a serious hindrance to reformatory efforts, is disposed of as usual by simply disregarding it.

3. The Report, having decided against Repeal, proceeds to deal with the question of Extension of the Acts. Then for the first and only time the Majority of the Committee, consisting of the members before mentioned, condescend to notice the "convictions which are entitled to respect" of "large numbers of persons who object to the Acts." Then and then only that "public opinion of a part of the community" (in favour of total Repeal) "which it would be unwise and unjust to neglect," is referred to; and it is grandiloquently declared that "it is the duty of Parliament to abstain

from any step calculated to wound the conscientious religious convictions of any considerable body of people." Accordingly these convictions, which are that the Acts must be entirely *repealed*, are mocked by "a refusal to recommend EXTENSION," on the ground that the public opinion alluded to is *unprepared* for such a step. This deliberate misapplication of evidence—after having completely ignored it in connection with its real object—constitutes nothing less than an insult to the religious community and an outrage upon judicial propriety.

The Majority Report divides the enquiry into two parts: I., "Hygienic;" II., "Constitutional, Moral and Social." It gives 429 references to Evidence, of which 79½ per cent. are to that of officials and others called by Government to support the Acts, and 20½ per cent. to that of witnesses called for Repeal. The number of witnesses was about equal on each side; being 29 for, and 33 against, the Acts. Under "Hygienic" the references are 95½ per cent. to Pro-Acts and 4½ per cent. to Repeal evidence; and of the Pro-Acts references *more than half* are to the chief witness of the Army Medical Department. Under "Constitutional, Moral, &c.," the references are 72 per cent. to Pro-Acts and 28 per cent. to Repeal evidence. Under "Recommendations" the references are: as to Repeal or Maintenance, 2 on each side; as to Extension, one only, to Mr. Lowndes, M.R.C.S., Hon. Sec. to the Association for Extension of the Acts; as to Amendment of the Acts, 30 references, all Pro-Acts, a third of them to that of Messrs. Lowndes and Barr, the latter being examining surgeon under the Acts at Aldershot.

On the other hand, the Minority Report, which recommends that the Acts be repealed, gives 505 references, relatively 48 per cent. Pro-Acts and 52 per cent. Repeal. Under "Hygienic" they are in the same proportion as the witnesses on either side, *i.e.*, 68·31 Pro-Acts references and 31·69 Repeal. Under "Constitutional, Moral, &c.," they are 21½ per cent. to Pro-Acts and 78½ per cent. to Repeal evidence, the witnesses being relatively 39 per cent. Pro-Acts and 61 per cent. Repeal; but the latter included numerous witnesses who appeared to testify as to the action taken by nearly the whole of the religious nonconforming communities.

# “MORAL RESULTS” OF THE CONTAGIOUS DISEASES ACTS.

## PUBLIC-HOUSE AND BEER-HOUSE BROTHELS CLOSED BY THE ACTS’ POLICE FROM 1866 TO 1881 INCLUSIVE.

From the *REPORT of the SELECT COMMITTEE and HOUSE OF COMMONS RETURNS*, No. 291 and 375, Session 1882.

In the Report of the Select Committee of the House of Commons, page xxv., par. 3, it is stated:—“These police being, from their occupation and duties, necessarily made acquainted with the brothels in their district, are enabled to use the machinery of the law and other agencies for the purpose of suppressing them;” and on page 19 of the “Annual Report of the Assistant Commissioner of the Police of the Metropolis for the year 1881,” No. 291, printed by the House of Commons in July, 1882, and each page headed, “*On the Operation of the Contagious Diseases Acts*,” a reduction of 140 public-house and 260 beer-house brothels is stated to have been effected by the Contagious Diseases Acts in all the towns where those laws are in force, from 1866 to 1881 inclusive. Mr. C. McLaren, M.P. for Stafford, asked for a Supplementary Return, covering the same years and the same districts, to show whether these immoral houses had been closed by the Local Police, or by the Metropolitan Police who carry out the Contagious Diseases Acts. This Return (No. 375, August 17th, Session 1882), shows on page 32 that during the 16 years of the Acts, and in all the places where they are in force, *including the district of Plymouth and Devonport, for which Inspector Anniss of the Special Metropolitan Police who administer the Acts, is responsible*, the Contagious Diseases Acts’ police have closed ONE public-house and ONE beer-house! Both these houses are in the Devonport district, and the Supplementary Return referred to further proves on page 28, that the public-house was proceeded against under the Contagious Diseases Acts, not because it was a brothel, but because the landlord had “harboured” a *diseased* woman; and the beer-house was proceeded against by Anniss, *not* under the Contagious Diseases Acts, but under another law called the “Navy Act,” for harbouring a deserter from the navy.

The Plymouth and Devonport newspapers of the 13th of October, 1882, report, that as regards Devonport, a Sub-Committee of the Town Council had examined Anniss’ evidence before the Select Committee, and their report, which was unanimously adopted by the Council, contained these words in regard to Anniss:—“*ON NO OCCASION HAS HE EVER INTERFERED BY WAY OF INFORMATION OR COMPLAINT, WITH A VIEW OF PROCURING A CONVICTION AGAINST ANY ONE OF THE KEEPERS OF SUCH HOUSES.*”

Comment is needless.

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